## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION CRIMINAL DOCKET NO. 3:16-CR-00042-FDW-DSC

UNITED STATES OF AMERICA,	)	
	)	
	)	
	)	<b>ORDER</b>
v.	)	
	)	
ADRIAN LAMAR SANDERS,	)	
	)	
Defendant.	)	

**THIS MATTER** is before the Court on the "Motion To Be Relieved As Attorney" (document #142) filed June 24, 2016 by appointed counsel James S. Weidner, Jr. The Court held a hearing in this matter on July 8, 2016.

Defendant is set for trial in September. He is dissatisfied with his plea offer from the Government. Specifically, he wants a provision about a downward departure included in his plea agreement. Mr. Weidner has advised him that this would be addressed at such time as he is before the Court for sentencing. The Court advised Defendant about the plea bargaining process and the timing of a motion for a downward departure.

"Because the right to choose counsel is not absolute, it necessarily follows that a defendant does not have an absolute right to substitution of counsel. As a general rule, a defendant must show good cause in requesting a new appointed lawyer." <u>United States v. Mullen</u>, 32 F.3d 891, 895 (4th Cir. 1994). Here, Defendant's complaints do not establish good cause for the Court to appoint new counsel. Based upon the foregoing, the Court finds no basis to remove Mr. Weidner.

Accordingly, the Motion is DENIED. The Clerk is directed to send copies of this Order to counsel for the parties and to the Honorable Frank D. Whitney.

## SO ORDERED.

Signed: July 8, 2016

David S. Cayer

United States Magistrate Judge